

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES GEMELAS, On Behalf of Himself	)	Case No. 1:08 CV 236
and Others Similarly Situated,	)	
	)	
Plaintiffs,	)	Judge Dan Aaron Polster
	)	
vs.	)	
	)	<u>SHOW CAUSE ORDER</u>
THE DANNON CO., INC.,	)	and
	)	<u>HEARING</u>
Defendant.	)	

On August 12, 2010, the Court issued the following order:

In light of the numerous appeals filed by objectors (Doc #: 78, 79, 80), the Motion for Bond to Secure Payment of Costs and Attorneys Fees on Appeal (Doc #: 87), and other motions and briefs filed post-judgment, the Court hereby **SCHEDULES** a conference to address these matters at **2:00 p.m. Eastern Time on Tuesday, August 17, 2010**.

As such, the Court hereby **ORDERS** at least one member of Plaintiffs' class counsel, at least one member of Dannon's counsel, counsel for the appealing objectors, and Clyde Farrel Padgett who is proceeding *pro se*, to appear **IN PERSON** for the conference in the courtroom of Judge Dan A. Polster, Room 18B of the Carl B. Stokes U.S. Court House, 800 W. Superior Avenue, Cleveland, Ohio 44113.

The Court **will not entertain** any requests to change this date or time, or to excuse anyone's personal appearance.

(Doc #: 90) (emphasis in original).

Despite the clarity of this order, neither Attorney Charles Cooper (counsel for Appellant James Wilson) nor *Pro Se* Appellant Clyde Farrel Padgett appeared for the August 17, 2010

hearing – nor did they give the Court any notice that they would not be attending.<sup>1</sup>

Because Mr. Padgett and Mr. Cooper violated a clear court order, the Court hereby **ORDERS** Attorney Charles Cooper and Pro Se Appellant Clyde Farrel Padgett to appear in the courtroom of Judge Dan A. Polster at **10:00 a.m. on Wednesday, August 25, 2010** to show cause why they should not be held in contempt of court.

**IT IS SO ORDERED.**

/s/ Dan A. Polster August 17, 2010  
**Dan Aaron Polster**  
**United States District Judge**

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<sup>1</sup>The Court also notes that neither Mr. Cooper nor Mr. Padgett appeared at the fairness hearing to present their objections to the class settlement in person, either.